

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY _____ D.C.

05 MAY 31 PM 6:56

ROBERT D. NICHOLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

CARLOS L. RICE,
Petitioner,

vs.

DAVID MILLS,
Respondent.

X
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X


No. 05-2376-D/V

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS
AND
ORDER DIRECTING PETITIONER TO PAY THE HABEAS FILING FEE

Petitioner Carlos L. Rice, Tennessee Department of Correction prisoner number 259965, an inmate at the West Tennessee State Penitentiary ("WTSP") in Henning, Tennessee, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on May 19, 2005, along with a motion seeking leave to proceed in forma pauperis. Based on the information set forth in the petitioner's affidavit, the motion to proceed in forma pauperis is DENIED. The petitioner is ORDERED to pay the five dollar (\$5.00) habeas filing fee within thirty (30) days of the date of entry of this order. Failure to timely comply with this order will result in

dismissal of the petition without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 31 day of May, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02376 was distributed by fax, mail, or direct printing on June 2, 2005 to the parties listed.

Carlos L. Rice
WEST TENNESSEE STATE PENITENTIARY
259965
P.O. Box 1150
Henning, TN 38041

Honorable Bernice Donald
US DISTRICT COURT